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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

BMW OF NORTH AMERICA, LLC,
et al.

Plaintiffs,

v.

DVIR ELIMELECH, et al.

Defendants.

Case No.: 2:25-cv-03290 RGK (AJRx)

**~~PROPOSED~~ PERMANENT
INJUNCTION AGAINST
DEFENDANTS DVIR ELIMELECH
AND HANA ELIMELECH AND
DISMISSAL OF ENTIRE ACTION,
WITHOUT PREJUDICE**

[17]

The Court, pursuant to the Stipulation for Entry of a Permanent Injunction and Dismissal of Entire Action, without Prejudice, filed by Plaintiffs BMW of North America, LLC and Bayerische Motoren Werke AG (“Plaintiffs”) and Defendants Dvir Elimelech and Hana Elimelech (“Defendants”), hereby ORDERS, ADJUDICATES, and DECREES that a permanent injunction shall be and hereby is entered against Defendants in the above-referenced matter as follows:

1. **PERMANENT INJUNCTION.** Defendants are hereby restrained and enjoined, pursuant to 15 United States Code (“U.S.C.”) § 1116(a), from engaging in, directly or indirectly, or authorizing or assisting any third party to engage in, any of the following activities in the United States and throughout the world:

i. unlawfully copying, manufacturing, importing, exporting, purchasing, marketing, advertising for sale, offering for sale, selling, transporting,

1 distributing or otherwise dealing in any product or service that unlawfully uses, or
2 otherwise makes any unlawful, unauthorized use of, any of BMW's trademarks,
3 including but not limited to the **BMW®** (U.S.P.T.O. Registration Number ("Reg.
4 No.") 0,611,710; 0,613,465; 1,450,212; 5,333,863; 5,333,865; 5,333,900;
5 6,604,537; 6,829,651; 6,952,002), **BMW M®** (Reg. No. 3,526,899; 4,541,350;
6 3,767,662; 3,767,663; 5,522,663; 6,025,777; 6,641,554; 6,655,742), **M2®** (Reg.
7 No. 3988515), **M3®** (Reg. No. 2535373), **M4®** (Reg. No. 5425915), **M5®** (Reg.
8 No. 2381292), **M8®** (Reg. No. 5169067), **X1®** (Reg. No. 3256739), **X2®** (Reg.
9 No. 4130382), **X3®** (Reg. No. 2867087), **X4®** (Reg. No. 4159738), **X5®** (Reg. No.
10 2484353), **X5 M®** (Reg. No. 3635625), **X6®** (Reg. No. 3335405), **X7®** (Reg No.
11 4745821), **Z4®** (Reg No. 2783636), **128i®** (Reg. No. 3501792), **135i®** (Reg. No.
12 3501791), **228®** (Reg. No. 4625168), **230®** (Reg. No. 5286685), **328®** (Reg. No.
13 2584405), **330®** (Reg. No. 4998766), **335®** (Reg. No. 2890955), **340®** (Reg. No.
14 4868946), **528®** (Reg. No. 2444462), **530®** (Reg. No. 5271735), **550®** (Reg. No.
15 2945557), **M40®** (Reg. No. 4130378), **M50®** (Reg. No. 6998555), **M60®** (Reg.
16 No. 6834350), **M235®** (Reg. No. 6301803), **M240®** (Reg. No. 4639170), **M550®**
17 (Reg. No. 4159760), **M850®** (Reg. No. 5169091), **650®** (Reg. No. 2909926), **740®**
18 (Reg. No. 2712458), **750®** (Reg. No. 2444390), **760®** (Reg. No. 2546330), **825®**
19 (Reg. No. 5184123), and **840®** (Reg. No. 5153368) marks (collectively "BMW
20 Trademarks"), and/or any intellectual property that is unlawfully confusingly or
21 substantially similar to, or that constitutes an unlawful colorable imitation of, any
22 BMW Trademarks, whether such use is as, on, in or in connection with any
23 trademark, service mark, trade name, logo, design, Internet use, website, domain
24 name, metatags, advertising, promotions, solicitations, commercial exploitation,
25 television, web-based or any other program, or any product or service, or otherwise;
26 ii. advertising or displaying images and/or photographs of
27 infringing or non-genuine BMW products using BMW Trademarks;
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1 iii. using BMW Trademarks, including but not limited to the
2 BMW® and/or BMW M® trademarks in advertising to suggest that non-genuine
3 BMW products being advertised are sponsored by, endorsed by, or are otherwise
4 affiliated with BMW and/or advertising non-genuine BMW automotive parts using
5 descriptions that imply that the products are genuine BMW products. Defendant
6 may, however, use “BMW” or other BMW wordmarks to advertise non-BMW
7 products for sale with fair use descriptions such as ‘for BMW automobiles’ or ‘fits
8 BMW model _____,’ or similar language, provided that “BMW” or any other
9 BMW wordmarks that are used are in the identical font, format, size, and color as,
10 and no more prominently displayed than the surrounding text. In no event may any
11 BMW and/or BMW M logo, design mark, or other graphical BMW Trademarks be
12 used by Defendant under this exception for;

13 iv. performing, or allowing others employed by Defendants or
14 under Defendants’ control to perform, any unlawful act or thing which is likely to
15 injure Plaintiffs, any BMW Trademarks, and/or BMW’s business reputation or
16 goodwill.

17 v. engaging in any acts of trademark infringement, false
18 designation of origin, dilution, unfair business practices under California law, or
19 other act which would tend damage or injure Plaintiffs; and/or

20 vi. using any Internet domain name, URL, or online seller name/ID
21 that includes any BMW Trademarks.

22 2. Defendants are ordered to deliver to Plaintiffs immediately for
23 destruction all infringing or non-genuine products bearing BMW Trademarks to the
24 extent that any of these items are in Defendants’ possession, custody, or control.

25 3. This Permanent Injunction shall be deemed to have been served upon
26 Defendants at the time of its execution by the Court.

27 4. The Court finds there is no just reason for delay in entering this
28 Permanent Injunction against Defendants, and, pursuant to Rule 54(a) of the

1 *Federal Rules of Civil Procedure*, the Court directs immediate entry of this
2 Permanent Injunction against Defendants.

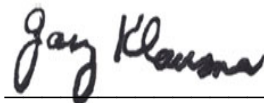
3 5. **CONTINUING JURISDICTION BY THE COURT.** The Court
4 shall retain jurisdiction over this matter to enforce any violation of the terms of this
5 Permanent Injunction against Defendants.

6 6. **NO APPEALS.** No appeals shall be taken from this Permanent
7 Injunction against Defendants, and Plaintiffs and Defendants waive all rights to
8 appeal.

9 7. **NO FEES AND COSTS.** Plaintiffs and Defendants shall bear their
10 own attorneys' fees and costs incurred in this matter.

11 8. **DISMISSAL.** Upon entry of this Permanent Injunction against
12 Defendants, the case shall be dismissed in its entirety, without prejudice, pursuant
13 to Fed. R. Civ. P. 41(a)(1)(A)(ii).

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15 IT IS SO ORDERED, ADJUDICATED, and DECREED this 9th day of May,
16 2025.

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18 Honorable R. Gary Klausner
19 United States District Judge
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